

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-20 are pending.

Claims 1-20 are patentable over *Deshpande* (U.S. Application Publication 2003/0003933) in view of *Stewart et al.* (U.S. Patent 6,259,405)

The rejection of claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over *Deshpande* in view of *Stewart* is hereby traversed for at least five reasons.

The PTO admits, as identified in Applicants' prior responses of April 17, 2006 and September 30, 2005, that *Deshpande* fails to disclose at least "verifying the trustworthiness of the provider of the service with a party independent from said provider" and "on successful verification of the provider of the service, providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider." The PTO attempts to cure the noted deficiencies of *Deshpande* by combining *Deshpande* with *Stewart*; however, *Stewart* fails to cure the noted deficiencies and withdrawal of the rejection is respectfully requested.

***Stewart* fails to verify the trustworthiness of the service provider**

First, *Stewart* fails to disclose verifying the trustworthiness of the service provider. In contrast with the claimed subject matter, *Stewart* (similar to the previously applied *Overby*) describes authentication of a user with respect to a network, e.g., "the AP [access point] determines if the PCD 110 [portable computing device] is registered with the system, (e.g., whether the ID code supplied by the PCD 110 is on a list of authorized IDs for the system)," "[t]o determine if the MU [mobile user] is registered . . . [p]rocessor 310 may query the database of user information 325B to determine if the ID code is registered," and "[t]he processor 310 may also optionally read other demographic information on the MU to determine if the MU is authorized to access the system." *Stewart* at column 12, lines 40-43, 44-46, and 48-50 (emphasis added). The Patent Office appears to have reversed the present claim language and appears to have identified another reference in which a user attempting to access a system is verified by the

system to which that user is attempting to gain access. That is, *Stewart* appears to disclose another example of user verification at an access point instead of the verification of a service provider to which the user is attempting to access. FIGs. 4-6 fail to disclose verification of the trustworthiness of a service provider. Specifically, FIGs. 4-6 appear to depict the verification of a user at an access point. See, e.g., “AP receives the ID of the PCD” at step 430 and “Is the PCD registered?” at step 440 and “service provider compares ID code with authorized ID codes” at step 520 and “Is ID code an authorized ID code?” at step 530. FIG. 6 appears to depict the transmission of messages to/from the PCD and the service provider via the access point without teaching or suggesting verification of the trustworthiness of the service provider as per the presently claimed subject matter. For at least this reason, withdrawal of the rejection is respectfully requested.

Stewart fails to verify the trustworthiness with a party independent from the service provider

Second, *Stewart* fails to disclose verifying the trustworthiness of a provider with a party independent from said provider. In contrast with the claimed subject matter, *Stewart* (as set forth above) appears to describe verifying that a user is registered to access an access point by determining if the user (PCD/MU) is registered with the access point system. See, for example, “AP determines if the PCD 110 is registered with the system” *Stewart* at column 12, lines 40-41. FIGs. 4-6 fail to teach or suggest verification of the trustworthiness with a party independent from the service provider. FIGs. 4 and 5 appear to depict verification of the user with the system and FIG. 6 appears to depict the transmission of messages to/from the PCD and the service provider without teaching or suggesting the transmission of messages with a party independent from the service provider. See, e.g., “PCD retrieves messages provided through AP from service provider” at step 610 and “PCD transmits messages through AP to service provider” at step 620. It is unclear how *Stewart* is supposed to disclose verifying the trustworthiness with a party independent from the service provider based on FIG. 6.

For at least this reason, withdrawal of the rejection is respectfully requested.

Stewart fails to provide a confirmation that the service provider is authenticated

Third, *Stewart* fails to disclose providing a confirmation that the service provider is authenticated. In contrast with the presently claimed subject matter, *Stewart* appears to describe providing a confirmation that a user is entitled to access a network without providing any confirmation to the user indicating authentication of the provider of the service. *Stewart* states, "If the ID code is in the database of user information 325B, the processor 310 may then validate the user." *Stewart* at column 12, lines 46-48 (emphasis added). Thus, *Stewart* fails to provide a confirmation of authentication of the service provider. For at least this reason, withdrawal of the rejection is respectfully requested.

Deshpande is not combinable with Stewart

Fourth, the PTO asserts that a person of ordinary skill in the art at the time of the present invention would be motivated to combine *Deshpande* with *Stewart* in order to provide, "geographic based advertising to a mobile unit." Official Action mailed June 29, 2006 at page 3, last sentence of the first paragraph. This is incorrect as the PTO has failed to identify any teaching or suggestion in either reference teaching, suggesting, or motivating a person of ordinary skill in the art to combine the references as stated. The PTO has stated a conclusion without providing any rationale supporting the conclusion.

"When an obviousness determination is based on multiple prior art references, there must be a showing of some 'teaching, suggestion, or reason' to combine the references." Winner International Royalty Corp. v. Wang, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). Ecolochem, Inc. v. S. Cal. Edison Co., 227 F.3d 1361, 1372 (Fed. Cir. 2000) ("Although the suggestion to combine references may flow from the nature of the problem, '[d]efining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness.'" (internal citation omitted) (quoting Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 881 (Fed. Cir. 1998))) The PTO has failed to make such a showing supporting the applied combination of references and therefore the applied combination of references is

improper. The PTO is in error for any of the above reasons and has not made out a prima facie case of obviousness, and the rejection of claim 1 should be withdrawn.

Based on the foregoing, claim 1 is patentable over the combination of *Deshpande* with *Stewart* and the rejection should be withdrawn.

Claims 2-9 depend, either directly or indirectly, from claim 1, include further important limitations, and are patentable over *Deshpande* in view of *Stewart* for at least the reasons advanced above with respect to claim 1. Withdrawal of the rejection of claims 2-9 is in order.

Claim 10 is patentable over *Deshpande* in view of *Stewart*

Independent claim 10 is patentable over *Deshpande* in view of *Stewart* as the asserted combination of references fails to disclose authenticating the service providers as claimed in the subject matter of claim 10. As described above with respect to claim 1, there is no disclosure of authenticating service providers in *Deshpande* or *Stewart*.

Further, similar to the fourth point advanced above with respect to claim 1, there is no disclosure of authentication of service providers by a cellular telecommunications provider. For either of the foregoing reasons, claim 10 is patentable over *Deshpande* in view of *Stewart* and withdrawal of the rejection is in order.

Claims 11-13 and 18 depend, either directly or indirectly, from claim 10, include further important limitations, and are patentable over *Deshpande* in view of *Stewart* for at least the reasons advanced above with respect to claim 10. Withdrawal of the rejection of claims 11-13 and 18 is in order.

Claims 14 and 15 are patentable over *Deshpande* in view of *Stewart*

Independent claims 14 and 15 are patentable over *Deshpande* in view of *Stewart* for at least reasons similar to those advanced above with respect to claim 10 and withdrawal of the rejections is in order.

Claims 16-17 and 19-20 depend, either directly or indirectly, from claim 15, include further important limitations, and are patentable over *Deshpande* in view of *Stewart* for at least the reasons advanced above with respect to claim 15. Withdrawal of the rejection of claims 16-17 and 19-20 is in order.

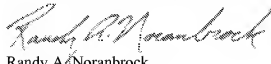
Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in dark ink, appearing to read "Randy A. Noranbrock". The signature is fluid and cursive, with the first name "Randy" being more prominent.

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